

**Attorney – Client Communication
Privileged, Confidential, and Exempt from
Disclosure under applicable law. Contains
material prepared by counsel and may include advice of
counsel.**

DOJ/ORM REQUEST FOR SETTLEMENT AUTHORITY

Caption of Case:
ORM #:

TRIAL DATE:
EVENT WHICH PROMPTS REPORT:

Client:

Adjuster:
Telephone No.

Trial Counsel:
Telephone No.

Plaintiff Attorney:
Assessment:

Judge's Name:
Parish/City:
Assessment of Judge and Venue:

JURY: (Yes or No)
Assessment of Venue:

Co-Defendant(s):
Name:
Attorney:
Assessment of Attorney:

I. Facts:

II. Damages:
(Describe each element of plaintiff's damage claim and the evidence to support or contradict same, including but not limited to opinions of treating physicians and IME. If multiple plaintiffs, list claims of each separately)

A. Plaintiff's Non-Medical Experts:

Name:

Specialty:

Short summary of opinion:

B. Client's Non-Medical Experts:

Name:

Specialty:

Short summary of opinion:

C. Co-Defendant's Non-Medical Experts:

Name:

Specialty:

Short summary of opinion:

- III. Assessment of Client’s Exposure:
- IV. Assessment of Comparative Fault:
(Describe comparative fault of plaintiff, co-defendants, unnamed third parties and evidence to support same)
- V. Dispositive Motions/Exceptions Filed During Pendancy of Litigation:
(If applicable, describe trial court’s ruling on any dispositive motions and/or exceptions and the affect, if any, of those rulings on the ultimate trial of this case.)
- VI. Pretrial Motions and Evidentiary Issues:
(If applicable, list each motion anticipated to be filed before trial, including but not limited to motions in limine and Daubert motions, and any evidentiary problems that may bear on the outcome of the case.)
- VII. Other Procedural Matters that Bear on Settlement or Trial of this Case:
- VIII. Quantum:

A. Medicals: \$
(List bills)

B. Lost Wages: \$

C. General: \$
(In addition to \$ amount, list elements of general damage claim)

D. Other: \$
(In addition to \$ amount, identify or describe each ‘other’ element of damage; for example, a claim for attorney’s fees, a claim for treble damages, etc.)

Plaintiff’s Offer\$

Medicare Lien\$

Other Lien\$

Range of verdict if case is tried:\$

Recommendations of trial counsel:\$

Reasons to justify recommendation:

Submitted: _____ Date: _____
(Type Name)

Section/Office Chief Comments: _____

Approved: _____ Date: _____
Section Chief

Adjuster Comments: _____

Approved: _____ Date: _____
(Type Name)

Office of Risk Management Comments (if applicable): _____

Approved: _____ Date: _____
(Type Name)

1st Assistant Attorney General’s Comments (Up to \$999,999): _____

Approved: _____ Date: _____
NICHOLAS GACHASSIN, JR.
1ST ASSISTANT ATTORNEY GENERAL

Attorney General’s Comments (Over \$1,000,000): _____

Approved: _____ Date: _____
CHARLES C. FOTI, JR.
ATTORNEY GENERAL

NOTE TO DOJ/ORM:
Once authorization process has been completed, e-mail this form to the assigned defense counsel, the respective Section Chief, the Office Chief if case is handled out of a Satellite Office, Wanda Hebert, Rob Harroun and Nick Gachassin.
Note to ORM Staff: Completed copy should be routed to your immediate supervisor.

INSTRUCTIONS TO BILLING ATTORNEY FOR SUBMISSION OF RSA:

1. INITIAL RSA

Submission of the INITIAL RSA is triggered by one of the following events, and is due within the applicable time frame set forth below:

(a) IMMEDIATE NOTICE—RECEIPT OF OFFER OF JUDGMENT

Billing Attorney shall **immediately** notify the adjuster upon receipt of an Offer of Judgment from the Plaintiff or a co-defendant, and shall submit a completed RSA as soon as possible to the Adjuster, the appropriate Section Chief, and the Director of Litigation.

(b) TEN DAY DEADLINE

Billing Attorney shall submit completed RSA form within **10 days** (unless otherwise specified) of the occurrence of any of these other events:

- Receipt of settlement offer from Plaintiff
- Receipt of request to mediate/arbitrate from any party
- Receipt of Notice of Status Conference to set trial date
- Counsel's determination that liability is certain and/or settlement is advisable
- Settlement activity on the part of any co-defendant
- Receipt of instructions from ORM adjuster to make an offer of judgment plaintiff. (Prior written approval of DOJ required before offer may be extended.)
- Any significant or unusual event which changes the evaluation of the State's exposure

(c) THIRTY DAY DEADLINE

Billing Attorney shall submit completed RSA form with **30 days** (or as soon as practicable) prior to any **status conference** at which it may be **reasonably anticipated that settlement will be discussed by the Trial Judge or his designee**

2. SUPPLEMENTAL RSA'S

Billing Attorney shall submit a SUPPLEMENTAL RSA when (1) there is a significant change in counsel's evaluation of liability and/or quantum as reported in the previous RSA or (2) when requested by the Adjuster. It is recommended that any new information or new evaluation be set forth in **boldface type** on the Supplemental RSA form.

3. PRE-TRIAL REPORT RSA---DUE 60 DAYS PRIOR TO TRIAL

Unless otherwise instructed by the Adjuster, the RSA form is to be used for preparation of a Pre-Trial Report, and it is due at least 60 days prior to trial.

When a trial is continued, an up-dated Pre-Trial Report RSA shall be submitted (unless instructed otherwise by the adjuster) at least 60 days prior to the new trial date and it must include a description of any significant developments, including pre-trial rulings that bear on the assessment of liability or damages, a re-cap of settlement discussions, and any other new information that affects resolution of the case.

Billing Attorney shall fax or e-mail the completed RSA to the adjuster and the appropriate Section Chief at the Department of Justice and e-mail a copy to the DOJ Director of Litigation at LitDir@ag.state.la.us .